

no need for the Federal Government to add an extra layer of bureaucracy. Crime and punishment, with few exceptions, are in the purview of state legislative authority. I am unwilling to interfere with that constitutional balance, no matter how worthy the underlying subject matter might be. For these reasons, I must oppose H.R. 1592.

Mr. UDALL of Colorado. Mr. Speaker, in my view an act of violence against one person is an act of violence against all of us. Our actions toward each other should—and our policies as a nation must—be based on compassion and understanding of human experiences if we are to truly have a nation of liberty and justice for all.

In other words, I think in our country all of us, regardless of our race, ethnicity, religion, or sexual orientation, should be able to live our lives free from violence, intimidation, and discrimination.

That is why I believe Congress must pass legislation to make it more likely that people who are guilty of violent crimes based on bias are properly prosecuted, convicted, and punished.

The result will not be to end hate—nor to make hate a crime—but to establish that our government will not tolerate hate and bigotry that manifests itself in violence against anyone.

Because I support that result, since first coming to Congress I have cosponsored and voted for legislation similar to the measure now before us.

And that is why I will vote for this bill today.

The bill will amend the Federal criminal code to prohibit willfully causing bodily injury to any person because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of that person.

It also will authorize the Department of Justice to provide technical, forensic, prosecutorial, or other assistance to help local law enforcement agencies investigate and prosecute acts that are both crimes of violence under Federal law or a felony under State, local, or Indian tribal law; and also are motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim. And to further assist State, local, and tribal officials with the expenses related to hate crime cases, the bill would authorize the Attorney General to establish a grant program to be administered by the Office of Justice Programs that would have a particular focus on combating hate crime committed by juvenile offenders.

The bill also will broaden Federal coverage of hate crimes under two scenarios. First, under any circumstance, it will prohibit willfully inflicting bodily injury to any person, attempted or otherwise, through the use of fire, a firearm, explosive, or incendiary device, if such conduct were motivated on the basis of actual or perceived race, color, religion, or national origin of any person. Second, it will prohibit the same conduct, if such conduct were motivated on the basis of the victim's gender, sexual orientation, gender identity, or disability, in addition to the four bases covered by the first scenario, in circumstances involving specific jurisdictional ties to the Constitution's interstate commerce clause.

Under either scenario, offenders could be sentenced to 10 years' imprisonment and a

fine, or for any term to life imprisonment if the crime resulted in the victim's death, or involved murder, kidnapping, attempted kidnapping, rape, or attempted rape.

The bill addresses two deficiencies in current law that limit the Federal Government's ability to work with State and local law enforcement agencies and have led to acquittals in some cases in which Federal jurisdiction has been asserted to backstop local efforts.

One is the fact that current Federal law provides no coverage for violent hate crimes committed because of the victim's perceived sexual orientation, gender, gender identity, or disability. The other is that current law requires proof that the crime was committed with the intent to interfere with the victim's participation in one of six specifically defined federally protected activities. The bill addresses both those limitations and provides the Justice Department tools to effectively act against bias-motivated violence by assisting States and local law enforcement agencies and by pursuing Federal charges where appropriate. This is the same approach Congress took in the Church Arson Prevention Act of 1996.

It is important to note that even after enactment of this bill, State and local authorities will deal with the overwhelming majority of hate crimes—and the bill is drafted to ensure that the Federal prosecution of hate crimes will be limited to cases that implicate the greatest Federal interest and present the greatest need for Federal intervention.

The bill is not intended to federalize all rapes, sexual assaults, acts of domestic violence, or other gender-based crimes.

In fact, for a hate crime case to be prosecuted federally, the Attorney General, or a high-ranking subordinate, would have to certify that pertinent state or local officials (1) were unable or unwilling to prosecute; (2) favored Federal prosecution; or (3) prosecuted, but the investigation or trial's results did not satisfy the Federal interest to combat hate crimes.

This certification requirement is intended to ensure that the Federal Government will assert the new hate crimes jurisdiction in a principled and properly limited fashion, consistent with procedures under the current Federal hate crimes statute.

It should also be noted that the bill respects and protects First Amendment rights. It will not bar or punish name-calling, verbal abuse or expressions of hatred toward any person or group—it deals only with violent criminal actions—and includes a provision explicitly stating that conduct protected under the speech and religious freedom clauses of the First Amendment is not subject to prosecution. In short, the bill does not criminalize speech or advocacy, and its enactment will not jeopardize anyone's right to associate, to denounce, to hold fast to a religious belief, or to do anything else protected by the Constitution's First Amendment.

Mr. Speaker, crimes motivated by bias are not as rare as many of us would like to think. Since 1991 the FBI has received reports of more than 113,000 hate crimes. In 2005, the latest year for which data are available, the FBI received reports from law enforcement agencies identifying 7,163 bias-motivated criminal incidents, with more than half being racially-motivated and others reflecting religious bias (17.1 percent), sexual orientation (14.2 percent) and ethnicity/national origin bias (13.7 percent). And, unfortunately, Colorado is

not immune—in 2005 our state reported 59 crimes based on racial bias, 22 reflecting religious prejudice, 16 related to sexual orientation, 27 involving ethnic bias, and 1 involving a person's disability, and there have been more since then.

These sobering statistics demonstrate that the legislation before us is appropriate and necessary—especially because it is generally understood that hate crimes are often not reported as such.

Accordingly, I support the bill and urge its passage.

Mr. HONDA. Mr. Speaker, I rise today in strong support of H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007.

As Chair of the Congressional Asian Pacific American Caucus, I know that Asian Americans and Pacific Islanders have faced a long history of hate crimes, from the 1880 lynching of Chinese in Denver's Chinatown, to the brutal killing of Vincent Chin in 1982, to post-September 11 violence against Arabs, Sikhs, and Muslims, including the murder of Balbir Singh Sodhi, and more recently, the killing of Cha Vang, a Hmong individual, in Wisconsin just this year.

Hate crimes are under-reported and under-prosecuted. The Local Law Enforcement Hate Crimes Prevention Act provides the resources necessary for all levels of government to investigate and prosecute hate crimes based on race, color, religion, national origin, gender, gender identity, sexual orientation, and disability.

Hate crimes are unique in that they are motivated by hostility toward an entire community, and are oftentimes rooted in a wider public sentiment of discrimination, xenophobia, and intolerance. The passage of this Act is a step in the right direction in promoting tolerance in our integrated society.

The SPEAKER pro tempore (Mr. SNYDER). All time for debate has expired.

Pursuant to House Resolution 364, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SMITH of Texas. Mr. Speaker, I do oppose it, in the current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Smith of Texas moves to recommit the bill H.R. 1592 to the Committee on the Judiciary with instructions to report the same back to the House promptly with the following amendments:

Page 12, line 5, after "orientation," insert "status as a senior citizen who has attained the age of 65 years, status as a current or former member of the Armed Forces,".

Mr. SMITH of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit